

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

RACHEL PHILBIN, on behalf of  
herself and all other  
similarly situated,

Plaintiff,

v.

BRETT DINOVI & ASSOCIATES,  
L.L.C.,

Defendant.

Civil No. 21-20402 (CPO/AMD)

**AMENDED SCHEDULING ORDER**

This Scheduling Order confirms the directives given to counsel during the telephonic status conference held on May 4, 2023, with all counsel as noted on the record; and good cause appearing for the entry of the within Order:

IT IS on this **9th** day of **May 2023**, hereby **ORDERED**:

1. Pretrial factual discovery is hereby extended to **June 30, 2023**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

2. Any motion for class certification or to certify a collective action shall be filed by no later than **June 30, 2023**.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993). In addition, all depositions, including video depositions, shall comply with Federal Rule of Civil Procedure 30.

4. **Discovery Letters and Motions.** Counsel shall meet and confer in a good faith attempt to informally resolve any and all discovery or case management disputes before seeking the Court's intervention. See Local Civil Rule 37.1(a)(1). Absent exigent circumstances, the Court expects parties to "meet and confer" in-person, via telephone, or video conference before making a discovery application. Any dispute not resolved shall be brought to the Court's attention by letter after counsel's good faith attempt to resolve the dispute has failed and shall set forth in detail the specific efforts that were made to resolve the dispute before contacting the Court. No discovery motion shall be made without prior leave of Court. See Local Civil Rule 37.1(b).

5. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Plaintiff shall be served upon counsel for Defendant not later than **July 31, 2023**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of Defendant shall be served upon counsel for Plaintiff not later than **August 31, 2023**. Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **September 29, 2023**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition shall be considered an expert subject to the requirement of FED. R. CIV. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

6. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **October 27, 2023**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER  
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P.  
16(f) .

s/ Ann Marie Donio  
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ANN MARIE DONIO  
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Christine P. O'Hearn